

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

RONALD FONTANES,)	Civil Action No. 7:16cv00456
Plaintiff,)	
)	<u>MEMORANDUM OPINION</u>
v.)	
)	
SHENANDOAH CIRCUIT COURT,)	By: Norman K. Moon
Defendant.)	United States District Judge

Plaintiff Ronald Fontanes, a Virginia inmate proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983, naming the Shenandoah Circuit Court as the only defendant. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by *a person* acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988) (emphasis added). As the Shenandoah Circuit Court is not a “person” subject to suit under § 1983, Fontanes cannot maintain this action against the court. *See Pringle v. Dorchester County Circuit Court*, No. 2:16-981-PMD-BM, 2016 U.S. Dist. LEXIS 62339, at *4, 2016 WL 2754539, at *2 (D.S.C. Apr. 20, 2016) (citing *Mumford v. Basinki*, 105 F.3d 264, 268 (6th Cir. 1997)). Accordingly, I will dismiss Fontanes’ complaint without prejudice pursuant to 42 U.S.C. § 1997e(c)(1).¹

ENTER: This 31st day of October, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

¹ I note that Fontanes may refile his claims in a separate civil action, naming a proper defendant and specifically alleging how the named defendant violated his federal rights.